

Message Text

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PAGE 01 STATE 084721

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FM SECSTATE WASHDC

TO AMEMBASSY CARACAS IMMEDIATE

C O N F I D E N T I A L STATE 084721

EXDIS

E.O. 11652: GDS

TAGS: PINS

SUBJECT: NIEHOUS KIDNAPPING

REF: CARACAS 3919

1. WITH COLEMAN AND DODD BOTH UNAVAILABLE, DEPT OFFICER ON APRIL 6 CONVEYED TWO TEXTS REFTEL TO MR. SPENGLER, OWENS-ILLINOIS EXECUTIVE VICE PRESIDENT FOR OVERSEAS OPERATIONS. SPENGLER STATED THAT HE WAS SUPERVISOR OF COLEMAN AND FULLY FAMILIAR WITH THE CASE. IN RESPONSE TO HIS COMMENT THAT O-I WOULD BE QUOTE VERY, VERY UPSET IF USG INFORMED VENEZUELAN POLICE OF MESSAGES END QUOTE DEPT OFFICER SAID HE UNDERSTOOD O-I'S POSITION.

2. AS HOST GOVERNMENT, GOV IS RESPONSIBLE UNDER INTERNATIONAL LAW FOR THE SAFETY OF ALL FOREIGNERS IN VENEZUELAN TERRITORY, INCLUDING THE SAFE RELEASE OF CAPTIVES. GOV HAS BEEN ENDEAVORING TO DISCHARGE THIS RESPONSIBILITY. ALTHOUGH DEPT FELT OBLIGED TO PASS TEXTS REFTEL TO O-I
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PAGE 02 STATE 084721

HEAD OFFICE IN TOLEDO, IN VIEW OF TIME FACTOR AND ASSUR-

ANCES CONVEYED TO O-I REPS IN CARACAS PER PARA 2 STATE 6517, USG CANNOT BECOME CONDUIT FOR MESSAGES FROM NIEHOUS' ABDUCTORS AND NIEHOUS HIMSELF WHICH O-I WITHHOLDS FROM GOV. SUCH ACTION COULD HAVE FOLLOWING CONSEQUENCES: (A) GOV ON

LATER LEARNING OF THE MESSAGES AND OF THEIR CONFIDENTIAL TRANSMISSION BY USG COULD BE SERIOUSLY ANTAGONIZED AGAINST BOTH O-I AND USG; (B) GOV MIGHT CLAIM TO HAVE BEEN RELIEVED ENTIRELY OR IN PART OF ITS INTERNATIONAL LAW RESPONSIBILITY FOR NIEHOUS' SAFETY; AND, (C) USG'S ANTI-TERRORISM STANCE AND POLICIES COULD BE SIGNIFICANTLY IMPAIRED BY ITS FACILITATION OF O-I ACCESSION TO ABDUCTOR DEMANDS.

3. EMBASSY SHOULD IMMEDIATELY REVIEW PROBLEM WITH APPROPRIATE O-I REPORE REPS IN CARACAS. IN LIGHT OF CONSIDERATIONS ADDUCED ABOVE, EMBASSY SHOULD SUGGEST THAT O-I REPS AT ONCE INFORM THEIR GOV POLICE OR OTHER CONTACTS OF MESSAGES CONTAINED REFTEL. PRESUMABLY O-I REPS WILL WISH TO REQUEST IN STRONGEST TERMS THAT THEIR CONTACTS NOT ALLOW EXISTENCE OR CONTENT OF THE MESSAGES TO BECOME PUBLIC. EMBASSY MAY INFORM O-I REPS THAT USG WILL OF COURSE RESPECT CONFIDENTIALITY OF MESSAGES CONTAINED RFFTEL AND OF ANY OTHER INFORMATION O-I FURNISHES USG IN CONFIDENCE.

4. IF O-I REPS UNDERTAKE TO FOLLOW THIS SUGGESTION, EMBASSY IS AUTHORIZED TO INFORM THEM THAT EMBASSY FACILITIES ARE AVAILABLE FOR CONFIDENTIAL TRANSMISSION OF ANY FURTHER MESSAGES FROM ABDUCTORS OR NIEHOUS, ALWAYS ON UNDERSTANDING THAT TEXTS OF SUCH MESSAGES HAVE BEEN COMMUNICATED TO GOV. IF, ON OTHER HAND, O-I REPS TAKE POSITION THAT CERTAIN SUCH MESSAGES MUST BE WITHHELD FROM GOV, EMBASSY SHOULD INFORM THEM THAT O-I MUST FIND ALTERNATIVE MEANS OF TRANSMISSION OF SUCH MESSAGES TO TOLEDO. EMBASSY SHOULD EMPHASIZE USG'S DESIRE TO BE OF MAXIMUM POSSIBLE ASSISTANCE IN EFFORTS FOR NIEHOUS' SAFE RELEASE BUT OF OUR INABILITY TO BE A PARTY TO CONCEALMENT OF RELEVANT INFORMATION FROM GOV AS RESPONSIBLE HOST GOVERNMENT. KISSINGER

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